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Testimony for SB302, SB306, SB307, SB310, SB311, SB312

Committee on Children

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11:30 AM in Room 2B of the LOB

Good morning Chairman Bartolomeo, Chairman Urban, Senator Bye, Representative Hampton, Senator Martin, Representative Kokoruda and members of the Committee on Children, thank you for the opportunity to testify today on a number of bills on today's agenda.

Child protection is perhaps state government's most critical function. We are judged as a society by how we treat our most vulnerable and most innocent. As you know, I proposed a number of bills designed to improve the quality of our state's child protection services. Almost all of the proposals in these bills are in fact requests and recommendations from independent child advocates and policy experts. My intent in putting these bills forth is not to be political or critical. Rather, my hope is that we can work together to implement policies that put the best interests of Connecticut's children first and ensure that, while we promote family preservation and deinstitutionalization, we do not sacrifice child safety.

- 1) **S. B. 310 An Act Strengthening Child Fatality Review Procedures**
S.B. 312 An Act Concerning the Protection of Particularly Vulnerable Children

Family preservation is an important goal, but it is not a policy in and of itself. Rather, family preservation should be the result of effective, intensive, home centered case management and care coordination policies that keep children safe in their home environment. Absent effective case management and interventions, simply leaving at risk children in their homes for the sake of family unification or to reduce the sheer number of out of home placements, increases child injury and death. Unfortunately, this is happening in Connecticut.

Connecticut has seen an unprecedented number of child deaths due to abuse and neglect. Many of these deaths involve children with DCF involvement. Recent court monitor reports note that case management for at risk children has regressed. DCF has failed to implement adequate case plans for almost half of the children under its supervision and has failed to meet the identified needs of forty percent of such children.

The Office of Child Advocate's Child Fatality Report for 2013 found that DCF ignored known risk factors, such as past parental DCF involvement, criminal histories, and drug abuse, and prematurely closed cases that later resulted in child death. The report also notes that the way

such cases are classified, such as being SIDS related, or officially summarized often masks the true underlying causes of such deaths and frustrates our efforts to identify patterns and risk factors. Without such analyses, we cannot develop appropriate interventions to address and mitigate risks.

SB 310 would improve and strengthen our fatality review procedures by transferring the authority to investigate and report on child deaths to the Office of the Child Advocate and giving that office the authority and resources it needs to conduct thorough independent reviews. While no one doubts the good intentions, dedication and professionalism of the DCF staff who currently conduct DCF's internal child fatality reviews, there is no question that having an agency review itself is an inherent conflict and not best practice.

We would not, for example, allow a business to conduct its own investigation of an employee's workplace death and simply accept its explanation. Rather, OSHA conducts an independent investigation to determine if any work place rules or safety guidelines were violated or if future precautions need to be taken. Similarly, when a child who has been under the care or supervision of our state's child protection agency dies as a result of abuse or neglect, there should be an independent investigation to determine whether DCF policies and procedures were properly followed or if such policies and procedures need to be modified.

I would also like to draw attention to **S.B. 312**, which I have cosponsored. This bill would require DCF to work with other agencies and outside experts to improve its case management procedures in cases involving particularly vulnerable children, with an emphasis on improving risk assessment and making sure investigatory procedures, agency supervision, and referrals appropriately match the degree of risk. I want to thank Senator Bye and Representative Walker for raising this bill. These two bills taken together would go a long way towards avoiding unnecessary child fatalities through appropriate interventions and ensuring that, when a fatality does occur, it is appropriately investigated and responded to.

- 2) **S.B. 306 An Act Establishing an Independent Department of Children and Families Ombudsman**
 S.B. 307 An Act Implementing a Quality Assurance Program for Department of Children and Families Programs and Facilities

Families, advocates and nonprofit providers have raised the concern that the precipitous closing of group homes has led to an increase in the number of children incarcerated at the Connecticut Juvenile Training School as well as the new Pueblo Unit for girls. When DCF first proposed opening Pueblo, child advocates and juvenile justice policy experts pointed out that DCF did not have sufficient (1) risk and needs assessment programs to ensure that only children who actually pose a public safety risk are locked up in these incarcerative settings or (2) quality assurance measures to assess whether the programs at these facilities actually improve children's mental and physical health.

Martha Stone, Executive Director of the Center for Children's Advocacy called Pueblo an "ill advised plan" with "no demonstrable need" and "no measureable goals or evaluation component." Child Advocate Sarah Eagan and Connecticut Voices for Children warned against

opening a new locked facility without valid risk and needs assessments. A study by Georgetown University's Center of Juvenile Justice Reform also warned of insufficient assessment and quality assurance, stating that "DCF has no method to properly assess the effectiveness of the state's locked facilities or the quality of the community supervision it oversees."

Clearly there is a lack of oversight and ability to determine whether or not children are actually being helped. These problems were recognized by the CJTS Advisory Group when they asked DCF to install an ombudsman to hear and respond to children's grievances and recommended the implementation of an assessment program to gauge the quality and effectiveness of the programs and services at CJTS. Unfortunately, Commissioner Katz rejected both recommendations.

After these recommendations were rejected, a Hartford Courant review of data in August 2014 revealed a high injury rate for staff, a high rate of assaultive behavior and resort to physical restraints, and safety deficiencies including blind spots that make suicide detection and prevention difficult at DCF facilities. Advocates again questioned the ability of the DCF facility to assess and meet the needs of children.

In September 2014, DCF was actually reported for possible child abuse as a result of physical staff interventions at Pueblo. Four incidents of excessive force and physical restraints led Child Advocate Eagan to call for an independent investigation. Thus, not only are these programs not effective in rehabilitating and helping children, but they have actually caused physical and emotional harm to some children. It's time to listen to the advocates and policy experts.

S.B. 306 will create a new independent ombudsman to give children incarcerated at CJTS and Pueblo a voice and a safe place to report complaints. The ombudsman would receive, hear and respond to complaints and grievances from children at these facilities. To clarify this proposal in response to legitimate concerns raised by advocates, to be truly independent it should be clarified that the ombudsman be an independent office not under DCF.

S.B. 307 proposes that DCF and any DCF-contracted juvenile justice facility incorporate the use of Performance Based Standards (PBS). PBS is a nationally recognized quality assurance program launched by the Department of Justice in 1995 to improve the conditions of juvenile confinement. PBS is an evidence-based program that is already used successfully by the state's Judicial Department at its juvenile detention facilities. This system will allow DCF to collect and report data on outcomes and efficacy in a timely, objective, standardized and useable way that will allow it to quickly identify and respond to trends and develop evidence based best practices.

Both of these proposals have been recommended by the CJTS Advisory Group, the Child Advocate and others.

Another bill not raised but that I wish to discuss is **SB 304 An Act Concerning the Connecticut Juvenile Training School Advisory Group**. This bill would increase the independence of the CJTS Advisory Group. Currently, this group serves at the will of the commissioner with no independent authority. The bill would change the "group" into a "board," similar to other advisory boards with appointments made by the governor and legislative leaders, not the

commissioner. When members serve at the will of the commissioner this can have a chilling effect on the board's ability to function independently. This bill would also expand the jurisdiction of the advisory board to include Pueblo as well as CJTS. The board also would report its recommendations to the Judiciary, Human Services and Children's Committees and those committees would be required to hold a public hearing. While this bill would not give the board the authority to implement policy, it would give it greater independence and authority to oversee CJTS and Pueblo and make recommendations to legislature.

3) S.B. 302 An Act Concerning the Identification of Connecticut's Child Placement Needs

A recent Hartford Courant article reported that the Commissioner's "edict" prohibiting group home placements without her specific approval has had a chilling effect on the referral of children to group homes. In fact, the federal court monitor warned that some children who would benefit from the higher level of therapy and treatment at a group home are not getting access to the care they need and are left to flounder in the foster care system while their needs go unmet.

A similar "edict" requiring all out of state placements to be reviewed and authorized by the Commissioner is having a similar chilling effect. Children who have needs that cannot be met in state are being denied access to appropriate and effective care. If we are going to deny out of state placements, then it is incumbent on us to ensure that we have the programs and services to meet the unique needs of all of Connecticut's children. **S.B. 302** would require a report on the kinds of programs and services we need in CT as well as a needs assessment for all children who reside in out-of-state facilities.

Another related bill not raised but that I wish to discuss is **S.B. 535 An Act Ensuring Child Placement Decisions That Reflect the Best Interests of a Child.**

Historically, courts had the authority to order an out of state placement for children who were in the court system. However, the Commissioner successfully lobbied the legislature to remove this authority. Now, even if family members, the judge, the probation officer, social workers and the child's representative agree that an out of state placement would be in a child's best interest, the Commissioner is able to veto such placement and has. I have spoken directly with legal representatives and parents of children who have been denied out of state placements that they wanted and that were supported by juvenile court officials. Instead, they were forced into facilities, such as CJTS, that failed to meet their treatment needs and where they not only failed to improve, but actually regressed.

We are a small state with limited resources. It is unreasonable to believe that Connecticut can have well developed effective programs and services to meet the unique needs of every troubled child. It would be wasteful and inefficient to even attempt to do so. There is no reason to deny a child appropriate treatment at proven respected specialized facilities simply because you have to cross a boarder to get there. Such a policy is both arbitrary and cruel. While it should be our goal to treat as many children in state and as close to home as possible, we should not put

achieving this goal above the well being of children who have unique treatment needs that can be best treated by out of state programs.

S.B. 535 would restore the court's authority to place a child in an out of state facility if such placement is in the best interest of the child and if no comparable in state programs existed. This would be done in consultation with DCF. A court would then have its traditional authority to place a child out of state.

4) S.B. 311 An Act Concerning Notification to Boards of Education of the Placement of Certain Children in the School District

SB 311 would require DCF and the State Board of Education to notify local boards of education when they place a child that is in their custody in a school district. Currently, communication can be fragmented, making it difficult for the town to budget appropriately. This proposal would make an important, necessary change to current procedures to ensure that children under DCF care receive the attention they need in school as well by preparing schools with appropriate information.

Thank you for the opportunity to share this testimony today. I would also like to inform you that Senator Kevin Witkos, Senate Minority Leader Pro Tempore, shares my concerns and joins me in this testimony today.

